

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X
UNITED STATES OF AMERICA	:
	:
- v. -	:
	:
WILLIAM PIETRUSZEWSKI,	:
	:
Defendant.	:
	:
- - - - -	X

UNDER SEAL
AFFIRMATION & APPLICATION
19 Cr. ____ (WHP)

STEPHANIE LAKE hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Geoffrey S. Berman, United States Attorney for the Southern District of New York, and I am familiar with this matter. By this Affirmation and Application, the Government applies for an order of the Court directing that filings and other docket entries in the above-captioned case be filed under seal, and that the case be captioned *United States v. John Doe* in the public docket.
2. On or about April 11, 2019, the defendant consented to and the Government filed a Notice of Intent to File an Information. On or about April 12, 2019, this case was assigned to the Honorable William H. Pauley. Judge Pauley referred the arraignment and plea on the Information to magistrate court.
3. The defendant in the above-captioned case has been

:

cooperating with the Government for approximately one year, providing information concerning co-conspirators. The Government is currently using the information provided by the defendants to investigate and apprehend co-conspirator(s).

4. The Government anticipates that information provided by the defendant may be presented to a grand jury in this District, for purposes of obtaining an indictment against co-conspirator(s).

5. Although there is a qualified right of public access to Court documents, the Second Circuit has recognized that documents may be filed under seal to protect, among other things, a cooperating defendant's safety or to further ongoing law enforcement efforts. See *United States v. Cojab*, 996 F.2d 1404, 1407-09 (2d Cir. 1993) (affirming sealing order); *United States v. Haller*, 837 F.2d 84, 88 (2d Cir. 1988) (affirming decision to seal that portion of a plea agreement that referred to a defendant's ongoing cooperation); see also Fed. R. Crim. Pro. 49.1(d) and (e) & advisory committee note (permitting a court to order filings to be made under seal, and explicitly listing, as examples, "motions for downward departure for substantial assistance" and "plea agreements indicating cooperation"). The Second Circuit has also recognized that even docketing the applications to seal those materials could be prejudicial, and in such cases the applications

themselves and related notes to the docket could be sealed. See *United States v. Alcantara*, 396 F.3d 189, 200 n.8 (2d Cir. 2005).


6. The Government respectfully submits that compelling security and law enforcement interests support the requested relief in this case. The investigative target(s) who are the subject of the defendant's cooperation include individuals with the means to flee prosecution or destroy evidence. Exposure of the defendants' attempted cooperation jeopardize ongoing operations and investigations.

7. The Government does not seek to keep these proceedings sealed indefinitely. Rather, the Government anticipates that, once the defendant's cooperation is complete and further co-conspirator(s) have been apprehended, the sealed filings in this case will be unsealed, and the docket sheet would reflect those documents and events.

8. Accordingly, the Government requests that filings and other docket entries in the above-captioned case, including this Affirmation and any order issued in connection with it, be filed under seal, and that the case be captioned *United States v. John Doe* in the public docket, until further order of the Court.

9. No prior request for the relief set forth herein has been made, and defense counsel has consented to this application.

Dated: New York, New York
April 16, 2019



STEPHANIE LAKE
Assistant United States Attorney
Southern District of New York
(212) 637-1066